



Application granted in part.

A Revised Pretrial Scheduling Order and an Order Excluding Time under the Speedy Trial Act shall be docketed separately.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 160.

SO ORDERED.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
April 21, 2022

BY EMAIL & UNDER SEAL

Honorable Philip M. Halpern
United States District Judge
United States District Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: United States v. Marise Hamilton, 20 Cr. 545 (PMH)

Dear Judge Halpern:

In view of the Court's April 19, 2022, Order (Dkt. No. 159) denying defendant Marise Hamilton's motion to suppress evidence, the Government intends to seek a superseding indictment charging the defendant with substantive narcotics possession on May 21, 2020. The Government has requested grand jury time during the second week of May, and any superseding indictment will be returned on or before May 19, 2022.

On April 14, 2022, the Government conferred with defense counsel Daniel A. Hochheiser, Esq., regarding the potential superseding indictment, and understands the defense already is in possession of discovery materials from the Orange County Sheriff's Office (the "OCSO") related to the defendant's substantive narcotics possession. Nevertheless, in an abundance of caution, the Government requested these materials from the OCSO and will re-produce them to defense counsel marked with control numbers consistent with the other discovery material in this case.

Because the superseding indictment will impact the parties' pretrial submissions and the Government's proof at trial, the parties jointly request an adjournment of the pretrial deadlines and propose the following schedule:

May 27, 2022: disclosure of 404(b) evidence (if any) and expert notice

June 3, 2022: motions *in limine* and Government motion to admit 404(b) evidence

June 10, 2022: oppositions to motions *in limine* and to Government motion to admit 404(b) evidence; proposed *voir dire*, requests to charge, and verdict sheet

July 1, 2022: *Giglio* material, 3500 material, Government witness list, marked Government case-in-chief exhibits

April 20, 2022

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July 8, 2022: objections (if any) to Government case-in-chief exhibits

July 18, 2022: final pretrial conference

August 1, 2022: jury selection and trial

Finally, the Government respectfully requests that the Court exclude time from April 20, 2022, through the date of the final pretrial conference, July 18, 2022, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Government respectfully submits that an exclusion of time would serve the ends of justice and outweigh the best interests of the public and the defendants in a speedy trial, because it would permit the parties to continue preparing for trial, and discussing a potential pretrial resolution of this case. Defense counsel consents to the proposed Speedy Trial exclusion.

Respectfully submitted,

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By:



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Cc: Daniel A. Hochheiser, Esq. (by ECF)